

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
3                                   **SAN FRANCISCO DIVISION**

4                   **IN THE MATTER OF,**

5                   Ty Odell Clevenger  
6                   State Bar No. 216094

Case No. C22-80167MISC JD

7                                   **RESPONSE TO SHOW-CAUSE ORDER**

8                   NOW COMES Ty Clevenger, responding to the Court's show-cause order dated July 6,  
9                   2022 and moving the Court to set aside his suspension:

10                   As of this date, Mr. Clevenger is no longer suspended from the California Bar.<sup>1</sup> This can  
11                   be verified on the California Bar's website. Mr. Clevenger has attached the State Bar Court  
12                   opinion recommending discipline (Exhibit 1) and the California Supreme Court order imposing  
13                   discipline (Exhibit 2). Mr. Clevenger served the 6-month active suspension and is now on  
14                   probation until October 13, 2023. At the time of his suspension, Mr. Clevenger had been an  
15                   inactive member of the California Bar since February 1, 2008, and until now he has never  
16                   represented a client in California other than himself. As the Court can tell from the State Bar  
17                   Court opinion, the California discipline was entirely reciprocal. Mr. Clevenger remains  
18                   voluntarily inactive in California – but active in Texas – as he had been before the date of his  
19                   suspension.  
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22                   Mr. Clevenger has attached a November 12, 2021 letter to the Texas Board of  
23                   Disciplinary Appeals (Exhibit 3) and a November 12, 2021 letter to various federal courts  
24                   (Exhibit 4).<sup>2</sup> As indicated in those letters, Mr. Clevenger has been prosecuted and/or disciplined  
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27                   <sup>1</sup> As witnessed by his electronic signature below, Ty Clevenger declares under penalty of  
28                   perjury under the laws of the United States that (1) his factual representations herein are true  
                    and correct and (2) the exhibits to this response are true and correct copies of the originals.

<sup>2</sup> Mr. Clevenger apologizes to the Court for failing to include it among the recipients of the  
                    November 12, 2021 letter. Mr. Clevenger has only appeared before the Court in two pro se

1 three times for the same events, all of which occurred in 2012 or earlier. Prior to this Court's  
2 July 6, 2022 order, no federal court had reciprocated the reprimand imposed by Texas or the  
3 suspension imposed by the U.S. District Court for the District of Columbia. In the Eastern  
4 District of Texas, for example, Mr. Clevenger was not reciprocally suspended even though that  
5 court was aware of the suspension (*see* Exhibit 4) and its local rules typically impose reciprocal  
6 discipline automatically. *See* Local Rule AT-2(b), U.S. District Court for the Eastern District of  
7 Texas (<https://www.txed.uscourts.gov/?q=attorney-rules>). In the Southern District of Texas, Mr.  
8 Clevenger was required to reapply for admission (because all attorneys must reapply every five  
9 years), and his admission was renewed on May 10, 2022 despite the fact that he was still  
10 suspended in California as of that date. *See* Email Correspondence Between Ty Clevenger and  
11 Claire Cassady (Exhibit 5).

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14 Mr. Clevenger currently has cases pending before the U.S. Court of Appeals for the Fifth  
15 Circuit, the Middle District of Tennessee (*pro hac vice*), and the Eastern and Western Districts of  
16 Texas. He has practiced without incident in each of those cases, and he is not the subject of any  
17 discipline or disciplinary proceedings outside of California. A suspension from this Court would  
18 work a considerable hardship because Mr. Clevenger often appears *pro hac vice* in other courts,  
19 and the suspension would make it more difficult to obtain *pro hac vice* admission. Insofar as he  
20 is no longer suspended from the California Bar, and insofar as he is practicing without incident  
21 elsewhere, Mr. Clevenger respectfully submits that he should not be suspended from the bar of  
22 this Court. Accordingly, he moves the Court to set aside the interim suspension and he further  
23 moves the Court to refrain from entering a final suspension.  
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28 matters (Case Nos. 3:17-cv-01724 and 3:17-cv-02798) and, frankly, he had forgotten that he  
was a member of this Court's bar.

Respectfully submitted,

**/s/ Ty Clevenger**

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RESPONDENT